

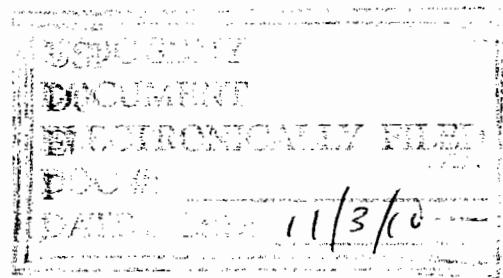
## SHEARMAN &amp; STERLING LLP

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November 1, 2010

MEMO FOR:

Via Facsimile

Honorable Debra Freeman  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse, Courtroom 17A  
500 Pearl Street  
New York, New York 10007

Jonathan Berall, M.D., M.P.H. v. Verathon, Inc., et al.  
Civ. No. 1:10-cv-05777 (BSJ) (DCF)

Dear Judge Freeman:

We represent defendant LMA North America, Inc. ("LMA") in this patent infringement case. LMA respectfully requests a two-week extension of time to answer, move or otherwise respond to the plaintiff's complaint through and including Tuesday, November 16, 2010. Counsel for plaintiff has consented to the requested extension of time. There has been one prior request for an extension of time for LMA's response to the complaint. The original date for LMA's response to the complaint was August 25, 2010 and the current date for LMA's response is Tuesday, November 2, 2010.

LMA is the U.S. distributor of co-defendant Aircraft Medical Ltd.'s ("AML") devices accused of patent infringement in the complaint. LMA's prior request for an extension to respond placed LMA's and AML's answers on the same timeline, and since then LMA, AML, and the plaintiff have been engaged in active settlement negotiations. Plaintiff has also consented to an extension of the same length for AML. Thus, the requested extension will give AML and its distributor LMA two additional weeks within which to attempt to finalize negotiations related to a settlement, prior to the date by which they must respond to the complaint.

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Honorable Debra C. Freeman  
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If the proposed extension is acceptable, we request that the Court endorse this letter.

Sincerely yours,



Vicki S. Veenker

VSV/djr

cc: David Loewenstein, Esq. (via facsimile and email), Counsel for Plaintiff Jonathan Berall

**SO ORDERED** this 1<sup>st</sup> day of November, 2010.

  
Hon. Debra C. Freeman, United States Magistrate Judge